

MINUTES
LEXINGTON COUNTY COUNCIL
May 9, 2006

Lexington County Council held its regular meeting on Tuesday, May 9, 2006 in Council Chambers, beginning at 4:30 p.m. Mr. Cullum presided; Mr. Kinard gave the invocation and Ms. Summers led the Pledge of Allegiance.

Members attending:	M. Todd Cullum	James E. Kinard, Jr.
	William C. Billy Derrick	George H. Smokey Davis
	Debra B. Summers	Bobby C. Keisler
	Johnny W. Jeffcoat	John W. Carrigg, Jr.*

Absent: Joseph W. Owens**

*Mr. Carrigg had a court issue to deal with and arrived during the meeting.

**Mr. Owens was absent due to a commitment.

Also attending: Art Brooks, County Administrator; Larry Porth; Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Special Recognition - Mr. Cullum recognized students from Lexington High School who were in attendance as part of their government class.

Employee Recognition - Art Brooks, County Administrator - None.

Resolutions - Joshua daSilva Atria, Justin Nichols Atria, Kids Kamp, Ted O. McGee, Jr., Art Brooks, and Dorothy K. Black - A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that the resolutions be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	

Appointments - Central Midlands Council of Governments - A motion was made by Mr. Davis and seconded by Mr. Jeffcoat to appoint Ms. Katherine Doucett.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Jeffcoat	Mr. Kinard
	Mr. Derrick	Ms. Summers
	Mr. Keisler	

Mr. Jeffcoat asked if Ms. Doucett's appointment was to complete the term of Mr. Brooks and to reappoint Ms. Doucett to a three-year term.

Mr. Davis responded that was the intent of his motion.

Lexington Richland Alcohol and Drug Abuse Council - A motion was made by Mr. Derrick to appoint Mr. William Rawl.

Mr. Davis commented that he knew Mr. Rawl and had presented him with a Resolution for his fine work on the Council, but wondered if Council wanted to appoint him at this time even though he has been off the Council for a year.

Mr. Derrick stated that the only reason he made the motion was because Council had difficulty in finding members previously. Mr. Derrick withdrew his motion.

Mr. Jeffcoat asked if Mr. Rawl was willing to serve.

Mr. Davis responded that he did not know, that he had not talked to him. Mr. Davis stated that he would talk with Mr. Rawl.

Bids/Purchases/RFPs - A motion was made by Mr. Keisler and seconded by Mr. Derrick that the following Bids/Purchases/RFPs (Tabs F, G, H, I, J, K) be approved.

Computer Aided Dispatch (CAD) Software Interface Development - Sole Source - Public Safety/EMS - Procurement received a request to purchase one (1) Computer Aided Dispatch (CAD) Software Interface Development for Public Safety/EMS. The County is nearing completion and implementation of the new Automatic Vehicle Locator (AVL) system. This interoperability will allow for voiceless dispatch, call time management, and real time asset tracking while also providing a real time mapping system in each ambulance. The interconnection of the Computer Aided Dispatch (CAD) system and the Automatic Vehicle Locator (AVL) system is essential for information sharing between systems. This purchase will allow for the necessary programming of the Computer Aided Dispatch (CAD) system to communicate with the Automatic Vehicle Locator (AVL). This purchase has been deemed a sole source as the County currently has a contract with Emergency Service Integrators (ESI) Acquisitions, Inc., under County contract number P99010-

06/09/99H. Total cost is \$11,868.00 which includes testing, onsite support, installation, and sales tax.

Bunker and Extrication Gear - Public Safety/Fire Service - Bids were solicited and advertised for Bunker and Extrication Gear for Public Safety/Fire Service. OSHA regulations require that firefighters be provided with the necessary equipment to protect them from exposure to hazards. It is projected that this equipment will last approximately five (5) to eight (8) years under normal use. With approximately 400 firefighters, it is necessary to budget for replacement as well as additional equipment. Eight (8) bids and one (1) no bid were received. Staff recommended multiple awards to the lowest bidders meeting specifications. Quest Enterprises \$51,711.04; Municipal Emergency Services \$1,037.19; C. W. Williams \$1,424.64; and NAFECO \$1,182.96. Total including sales tax is \$55,355.83. Funds are appropriated in account 1000-131500-540022 Personal Protective Equipment \$55,355.83.

Firefighting Equipment and Supplies - Public Safety/Fire Service - Competitive bids were solicited and advertised for Firefighting Equipment and Supplies for Public Safety/Fire Service. Bidders were allowed to submit bids on one or a multiple of items depending on the products they could provide. The County's fire departments use fire ground and special equipment to meet the demands of firefighting. Demands on equipment will require replacing some items during the year. Items include but are not limited to nozzles, salvage covers, flashlights, chainsaws, assorted tools, fire rakes, etc. In addition to normal replacement, this will allow Fire Service to continue equipping all fire apparatus to standards set by the Insurance Service Office (ISO) and National Fire Protection Association (NFPA). Fourteen (14) bids and one (1) no bid were received. Staff recommended making multiple awards to the lowest bidders meeting specifications. Wally's Fire and Safety Equipment, Inc. \$4,145.66; First Due Emergency Supply Company, Inc. \$3,154.58; C. W. Williams and Company, Inc. \$4,060.86; Anderson Fire and Safety Equipment \$339.20; Safeware, Inc. \$55.97; Municipal Emergency Services \$847.13; North American Fire Equipment \$797.65; Safe Industries \$1,417.11; Newton's Fire and Safety, Inc. \$5,676.30; Slagle's Fire and Equipment and Supply Company, Inc. \$419.76. Total including tax is \$20,914.22. Funds appropriated in accounts 1000-131500-540021 Fire Ground and Special Equipment \$12,001.72; 1000-131500-5A6082 Rapid Intervention Team Bags and Equipment \$8,912.50.

Surfacing Asphalt - Term Contract - Public Works - Bids were solicited and advertised for a term contract to purchase Surfacing Asphalt to be picked up on an as needed basis by the Public Works Department. Contract includes materials for pavement repairs, paving of roads, and parking lots. Term of the contract shall be for one (1) year effective upon approval; the County may extend the contract on an annual basis not to exceed two (2) additional one (1) year periods if deemed in the best interest of the County. Three (3) bids were received. Staff recommended awarding the contract to the three bidders - Sloan Construction Company; Lanier Construction Company, and C. R. Jackson, Inc. Estimated value of the contract is \$75,000.00. The County is obligated only to the extent of authorized calls placed by authorized personnel against this contract. To determine which plant to call, the County will calculate the per mile cost per vehicle to the nearest destination at the established contract price.

Air Control Unit for Evidence Processing Lab - Sheriff's Department - Competitive quotations were obtained to provide necessary labor and materials for complete installation of one (1) two-ton rooftop Air Control Unit for the processing lab at the Sheriff's Department. A recent inspection of the area revealed that the lack of temperature control is creating a hazardous work environment. Many of the chemicals used in evidence processing must be stored in a temperature-controlled environment. Chemicals that are not stored at the proper temperature could create an explosion. Three (3) quotations were received. Staff recommended the bid of EFM Martin Mechanical Contractors, Inc., as the lowest responsible bidder for a total cost of \$7,025.00 including sales tax. Funds appropriated in account 1000-151200-5A6497 \$7,025.00.

Renovations of Server Room - Sheriff's Department - Quotations were obtained for the renovations of the server room at the Sheriff's Department. The renovations will provide sufficient temperature control for the computer server room. The Department recently lost a server due to the overheating of the equipment. This renovation is required to extend the useful life of the equipment. Renovations will consist of an air control system, raised flooring, and electrical work. Eight (8) quotations were received. Staff recommended the bid of Broom Heating and Air, Inc., for the air control system in the amount of \$12,998.00; Faulkner Haynes and Associates for the raised flooring and electrical work for a total of \$5,247.27. Total cost is \$18,245.27 including sales tax. Funds appropriated in account 1000-151200-5A6496 \$18,245.27.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Keisler
	Mr. Derrick	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	

Chairman's Report - Mr. Cullum reported that he attended the Central Midlands COG meeting on April 27 and on April 2 he attended the Lexington County Development Corporation's quarterly meeting. Otherwise, had been busy with the budget.

Administrator's Report - Ms. Doucett reported that the False Alarm Ordinance would be implemented on May 15, 2006. She extended an invitation to Council to attend the Public Works Backhoe Rodeo on May 18, 2006 beginning at lunch time.

Midlands TEC Groundbreaking - Mr. Davis asked if Council members had received an invitation to the groundbreaking for the Batesburg-Leesville campus on May 17. Mr. Derrick stated that the groundbreaking was scheduled for 11:00 a.m., followed by lunch. Mr. Derrick also stated that this was the same date for the law enforcement meeting at Jackie Hite's.

Approval of Minutes - Minutes of April 11, 2006 - A motion was made by Mr. Kinard and seconded by Mr. Derrick that the Minutes of April 11, 2006 be approved as submitted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Cullum Mr. Kinard
 Mr. Derrick Mr. Davis
 Ms. Summers Mr. Keisler
 Mr. Jeffcoat

Zoning Amendment - Zoning Text Amendment T06-04 - Article 2 - Applications of Regulations; Buffering Restrictions - Announcement of 1st Reading - Mr. Cullum announced first reading of Zoning Text Amendment T06-04.

Committee Reports - Planning & Administration, J. Owens, Chairman - Community Development Block Grant (CDBG) Program 2006-2007 Annual Action Plan - Community Development - On behalf of Mr. Owens, Mr. Jeffcoat presented the report stating that at the April 25, 2006 Planning and Administration Committee meeting, Mr. Ronald Scott, Director, Community Development presented the Community Development Block Grant (CDBG) Program 2006-2007 Annual Action Plan.

According to information submitted by Mr. Scott, the County will receive \$1,014,447 from the United States Department of Housing and Urban Development (HUD) to implement the program. An Annual Action Plan is required that describes specifically how the County will utilize the funds in the upcoming year. The Plan includes the projects approved by County Council and must be submitted to HUD no later than May 16, 2006.

The availability of the Plan and the public comment period was advertised in *THE STATE* newspaper on March 30, 2006. The 30-day comment period ended on April 30, 2006. The Plan was also posted on the County's website for public review and a public hearing on the Action Plan was held on April 14, 2006.

The Committee voted to recommend that Council adopt the 2006-2007 Annual Action Plan as presented at the Committee meeting on April 25, 2006.

A motion was made by Mr. Jeffcoat and seconded by Mr. Derrick that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Cullum Mr. Jeffcoat
 Mr. Derrick Mr. Kinard
 Mr. Davis Ms. Summers
 Mr. Keisler

Help America Vote Act (HAVA) & Election Assistance for Individuals with Disabilities (EAID) Grant - Registration and Elections - Mr. Jeffcoat presented the report stating that the Planning and Administration Committee met on Tuesday, April 25, 2006 to consider a request from Registration and Elections to accept a \$5,000 grant from the South Carolina Election Commission.

Mr. Dean Crepes, Director of Registration and Elections, stated the Help American Vote ACT and Election Assistance for Individuals With Disabilities grant will be used to pave the Ridge Road precinct. There are no matching funds or personnel required by the County.

The Committee voted that full Council approve to accept the \$5,000 grant from the South Carolina Election Commission.

A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	

Justice, S. Davis, Chairman - Memorandum of Understanding - Sheriff's Department - Mr. Davis stated that the Justice Committee met on Tuesday, April 25, 2006 to consider a request by the Sheriff's Department to enter into a Memorandum of Understanding with the Town of Swansea.

Chief Bruce Rucker, Assistant Sheriff/Director of Public Safety and Homeland Security, stated the Memorandum of Understanding agreement is between the Lexington County Sheriff's Department and the Town of Swansea to enhance law enforcement in Swansea. He stated he and Major Tate met with Mayor Spires and Chief Spence whereby the Town of Swansea has asked for permission to cover for the Sheriff's's Department at times they are patrolling those areas outside their jurisdiction. The areas are within a strategic area of the Swansea Town limits.

Mr. Jeff Anderson, County attorney has reviewed the Memorandum of Understanding.

The committee voted to recommend to full Council for approval.

A motion was made by Mr. Davis and seconded by Mr. Keisler that the Committee Report be approved.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Ms. Summers
	Mr. Jeffcoat	

Public Works, B. Derrick, Chairman - Low Impact Development Incentives - Public Works - Mr. Derrick reported that the Public Works Committee met on Tuesday, April 25, 2006 to consider

incentives to encourage low impact development.

John Fechtel, Director of Public Works, offered the following for the Committee's consideration:

Offer two (2) residential and one (1) commercial project a reduced (fifty percent) review fee;

Reduced fee offer limited to one (1) per developer;

Residential projects limited to one (1) in sandy soils area and one (1) in a clay soils area;

Commercial project can be in either soils type;

Reduced fee will be offered at original plan submittal with the stipulation that if the LID concept is not carried through to completion, the fee will revert to full price;

LID incentives will be offered to the first developers presenting this concept in a mandatory pre-development meeting with Public Works Stormwater Management.

After discussion, the Committee voted to recommend that Council allow staff to proceed with offering the incentives in an effort to promote low impact development.

A motion was made by Mr. Derrick and seconded by Mr. Davis that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Davis	Mr. Kinard
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	

Partial Legal Closure of Center Drive - Public Works - Mr. Derrick reported that the Public Works Committee met earlier in the afternoon to consider the partial legal closure of Center Drive. He stated that a petition had been distributed to Council members with signatures of neighbors who would be affected by the closure. Walker Farms Partnership has proposed to close the current road and pay for and construct a new road. Mr. Derrick stated that the committee voted to recommend to Council that authorization be granted to Walker Farms Partnership to proceed with the legal closure of a part of Center Drive, that Walker Farms Partnership be responsible for any and all costs and be responsible for the cost and construction of a new road.

A motion was made by Mr. Derrick and seconded by Mr. Keisler that the Committee Report be approved.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Keisler	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	

Airport, T. Cullum, Chairman - Grant from SC Department of Commerce Aeronautics Commission - Mr. Cullum reported that the Airport Committee met during the afternoon to discuss the acceptance of a grant from the SC Department of Commerce Aeronautics Commission in the amount of \$3,499 for improvements to the Lexington County Airport at Pelion to expand the apron and construct a vehicle access road. The Committee voted to recommend that Council approve accepting the grant in the amount of \$3,499.

A motion was made by Mr. Cullum and seconded by Mr. Jeffcoat that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	

Ms. Doucett presented a budget amendment resolution in the amount of \$3,261 to be executed by Council appropriating the funds.

Executive Session/Legal Briefing - Mr. Cullum indicated that an executive session was needed in order to discuss a personnel issue, two contractual matters dealing with property purchases, two legal matters, economic development and a matter general in nature.

A motion was made by Mr. Jeffcoat and seconded by Ms. Summers that Council go into executive session to discuss the issues outlined above.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Ms. Summers	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	

Mr. Cullum reconvened the meeting in open session.

Mr. Carrigg arrived during Executive Session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Cullum reported that no motions were to be considered as a result of executive session.

6:00 P.M. - Public Hearings - Mr. Cullum stated that the purpose of the public hearings is to receive comments from proponents and opponents on the specific issue. He asked that speakers limit comments to three minutes.

Resolution in Support of Eau Claire Cooperative Health Centers, Inc. - JEDA Bonds - Mr. Cullum opened the meeting for comments from those in opposition. No one spoke.

Mr. Cullum opened the meeting for comments from those in favor.

Mr. Michael Kozlarek, 1201 Main Street, Columbia SC 29202 - Mr. Kozlarek, attorney for Eau Claire Cooperative Health Centers, Inc., stated that the purpose of the bond is for the issuance of not more than \$7 million of the South Carolina Jobs Economic Development Authority bonds. The purpose of the bonds is two-fold. One is to finance a new woman's health care facility and pediatric urgent care facility in Richland County (they're handling that as far as their own public hearing, etc.) The other purpose is to refinance several health care facilities one of which is in Fairfield County and has already been approved; three are located in Lexington County. Hence the need under the Internal Revenue Code for this body to give host approval. The most important part of all that, other than the fact that there are health care facilities involved, and obviously that is of utmost importance, is that the bonds have no liability whatsoever for the County. The bonds are issued by the state agency, the JEDA Agency, and it is merely because the Internal Revenue Code requires that the host authority, in this case the County Council, give approval for the issuance that we're here tonight for the public hearing and also for the approval of the resolution.

No further comments in favor were received. The public hearing was closed.

Ordinance 06-01 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and SCE&G - Mr. Cullum opened the public hearing for comments in opposition to the Ordinance. No one spoke.

Mr. Cullum opened the public hearing for comments from those in favor of the Ordinance. No one spoke.

Mr. Cullum closed the public hearing.

Ordinance 06-02 - Amendment to Amend Ordinance 95-12 and to Approve the Amendment of Joint County Industrial Park with Calhoun County - Mr. Cullum opened the public hearing for comments in opposition to Ordinance 06-02. No comments were received.

Mr. Cullum opened the public hearing for comments in favor of Ordinance 06-02. No comments were received.

Mr. Cullum closed the public hearing.

Zoning Map Amendment M06-03 - 2211 Lake Murray Blvd., Columbia, SC 29212 - Mr.

Cullum recognized Bruce Hiller, Development Administrator.

Mr. Hiller stated that when going through the process of advertising and posting the property and notifying the adjoining neighbors that, unfortunately, the notice to the neighbors contained a mistake about the location of the parcel; fortunately the Zoning staff realized that in a timely fashion and sent out a second set of letters with the correct parcel shown.

Mr. Hiller stated that the request is to change the zoning classification from current zoning of D (Development) to C2 (General Commercial). Property owner is Wateree Plaza, Limited Partnership; applicant is Brant Taylor. Mr. Hiller reviewed the amendment with a power point presentation.

Mr. Cullum opened the public hearing for comments in opposition to the amendment. No comments were received.

Mr. Cullum opened the public hearing for comments in favor of the amendment.

Mr. Brant Taylor, 117 Moontide Court, Lexington, SC 29072 - I represent the owner. As you could see the neighboring properties are commercial already and used as an office warehouse. We're planning to use this as office space, a lawyer, insurance, real estate type use. It's pretty conforming to a four-lane road. If there are any questions, I will answer them.

Mr. Davis asked if the space behind the parcel would be rezoned?

Mr. Taylor stated that potentially they would be looking at rezoning the property but not for commercial, more likely for a residential of some type.

Mr. Cullum asked if the space behind the property was a buffer to an existing fairway?

Mr. Taylor responded, it is. It's not very wide. To be honest, it's only about 80 feet wide.

Mr. Glen Livingston, 212 Willow Winds Drive, Columbia, SC 29210 - I have an adjoining piece of property that I've owned for a number of years that you have given us commercial zoning on and is used by Trevett's Mailing Service. My property adjoins their's, parcel 019. I just want to speak in support of the rezoning. I think it's been interesting to many of us who have been around for a while to watch Highway 60 as it went from a very, very rural two-lane road and now it's going to be five lanes and it is going to be a major artery between Lexington and Irmo, it really fits the rezoning request for the piece of property, for the whole area, and for what everybody's doing out there on the road.

No further comments were received. The public hearing was closed.

Health & Human Services, J. Carrigg, Jr., Chairman - Eau Claire Cooperative Health Centers, Inc. - JEDA Bond - Adoption of Resolution - Mr. Carrigg presented the report stating that the Health and Human Services Committee met Tuesday, April 25, 2006 to consider a request from

Michael E. Kozlarek, an attorney for Parker Poe Adams & Bernstein, L.L.P, representing Eau Clair Cooperative Health Centers, Inc. with refinancing of their Lexington facilities.

Mr. Kozlarek stated Eau Claire Cooperative Health Centers, Inc. has facilities in Richland, Fairfield, and Lexington counties with the principal place of business in Richland County. He said Eau Claire Cooperative Health Centers, Inc. is asking South Carolina Jobs-Economic Development Agency (JEDA) to issue tax-exempt funding so they can create a women's health care and pediatric urgent care facility in Richland County. A portion of the bonds will also be used to refinance outstanding debt for facilities in Richland, Fairfield, and Lexington counties. There is no liability to the County.

Mr. Kozlarek said because Lexington County has one or more facilities within the County, the Federal Government requires local government approval of the issuance of the bonds so they can be tax-exempt.

The committee voted to recommend to Council for approval contingent upon the approval of Mr. Anderson, County attorney.

A motion was made by Mr. Carrigg and seconded by Mr. Jeffcoat that Council adopt the Committee Report.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Carrigg
	Mr. Jeffcoat	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Chairman